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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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NEW YORK, NY 10151

EXAMINER

POLTORAK, PIOTR

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 08/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/727,257

Applicant(s)

MACHE, NIELS

Examiner

Peter Poltorak

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-9 have been examined.

Priority

2. A claim for foreign priority has been made in this application.
3. The effective priority date for the subject matter in the pending claims in this application is 12/02/1999.

Drawings

4. The drawings are objected to because object 2 of Fig.1 is labeled as "Instant Message Broker" or "Broker" while claim and specification language refer to it as "Message Broker". Similarly object 7 "IMessage Processor (Message Provider)" is referred as "Message processor".
5. There is lack of consistency in the specification's explanation of Fig. 4. For example the object "First Message Gateway (Originator)" is referred as "the originator gateway" then as "Instant message gateway (originator)". Also Fig. 4 is missing steps described within the specifications. For example Fig. 4 lacks the acknowledgment key sent from Message Broker to First Message Gateway as described in the specifications.
6. Details of Fig. 5 a-d are not explicitly addressed within the specifications.
7. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a

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drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

8. Claims 1-9 are objected because preceding articles (a method, a computer program product and a distributed system) are missing.
9. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 5 refers to computer program product and is dependent on claim 1 which addresses a method. The examiner recommends rewriting claim 5 as independent claim.

Appropriate correction is required.

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Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Computer software must be embodied on computer readable media.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 2 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

12. The reference of "it" in claim 2 line 23 is unclear.

13. In claim 5 "the memory" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Vaudreuil* (U.S. Patent No. 5740230) in view of *Farrow et al.* (U.S. Patent No. 6374295).

15. *Vaudreuil* teaches a distributed system (*Fig. 1*) for the transmission of messages, the system comprising a first message gateway (*inbound network hub 12*) for the reception of messages from sending clients (*Arnie, col.22 lines 42-67*), a message broker (*hub database, 68*), for receiving the meta information from the first message gateway, and a second message gateway (*outbound network hub, 14*) for receiving the message from the first message gateway (*col.22 lines 42-67 and Fig. 14*). Col. 13 lines 18-31 show messages containing meta information which are mapped within a clients profile data of a message broker to routing information (*col. 4 lines 46-65, Fig. 14*).

16. *Vaudreuil* does not explicitly teach transmission of meta information extracted from the received message from the first message gateway to a message broker.

17. In lines 10-31 of column 2 *Farrow et al.* teach a method of using a central address database. This configuration keeps the data at a single location where it can be more easily secured. Therefore it would be obvious to keep address information in a central message broker and make it available to multiple message gateways.

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18. In order to select a second message gateway (*outbound network hub*) which transfers the message to a target client (*Greg*) the first gateway must know the routing information (*col. 22 lines 42-67 and col. 23 lines 13*).
19. Thus it is *Vaudreuil* teach the transmission of meta information extracted from the received message from the first message gateway to a message broker, selection of a second message gateway on the basis of the meta information and client profile data.
20. With respect to claim 4 *Vaudreuil* teaches a distribution system where the message itself is converted by a message processor (*media translator*) before it is sent to the selected second message gateway (*Vaudreuil, col.19 lines 20-67 and col. 20 lines 28*).
21. The use of an address to select recipients is a type of security and authentication and as such the limitations of claims 2 and 8 are met.
22. **Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Vaudreuil* (U.S. Patent No. 5740230) and *Farrow et al.* (U.S. Patent No. 6374295).**
23. *Vaudreuil* teaches a system for sending messages over a network.
24. *Vaudreuil* does not explicitly teach a message processor interconnected between the first and second message gateway for processing the content of the message. However, *Vaudreuil* teaches that gateways are connected via communications network (*col.3 lines 62-66*).
25. The examiner takes Official Notice that it is old and well known for networks to employ message processors (*routers*). Thus it would have been obvious to

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one of ordinary skill in the art at the time the invention was made to interconnect message processors between the first and second message gateway in order to use proven, non proprietary and inexpensive Internet network connection.

Conclusion

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Poltorak whose telephone number is (703) 305-0719. The examiner can normally be reached Monday through Thursday from 9:00 a.m. to 4:00 p.m. and alternate Fridays from 9:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

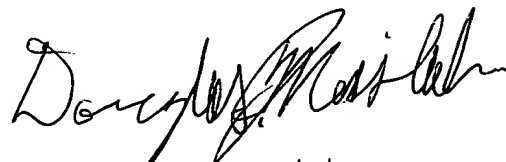
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Signature

7/22/04

Date


Douglas J. Meislahn